IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPET PETITION NO. 37 OF 2006

IN

WRIT PETITION NO. 6369 OF 2006.

Smt.Raisa Begam Adbul Karim Sagri .. Petitioner.

versus

The State of Maharashtra & Ors. .. Respondents.

...

Mr.Shail Sakhare for the petitioner.

Mr.D.A. Patil, AGP for the respondents.

CORAM : D.G. Karnik J.

Date: 23rd, August 2006.

P.C:-

1. This contempt petition filed alleging breach of the order dated 29th September, 2005 passed by the Division Bench of this Court in Writ Petition No. 6369 of 2006.

2. By the order dated 29th September, 2005, the respondent no. 3 in, the writ petition was directed to forward the proposals of the petitioner to the respondent no.2 and respondent no. 2 was directed to consider the said proposal and pass the necessary orders. This court set a time limit of three weeks from the communication of the court's order for compliance by the respondent no. 3. According to the petitioner, he furnished a copy of the order of the Division Bench of this court to the respondent no. 3 by a letter dated 28th October, 2005. But the respondent no. 3 did not forwarded the same to the respondent no.2 within the period of three weeks and thereby committed contempt.

3. In pursuance of the notice issued by this court the the respondent no. 3 has appeared and file an affidavit in reply. In paragraph no. 6 of her affidavit Smt. Suvarna B. Navale, has stated that the copy of the order of the court sent by the petitioner by the letter dated 21st August, 2005 was

received on 14th November, 2005. Thus, the period of 3 weeks began to run not from on 21st August, 2005 but

from 14th November, 2005. The respondent no. 3 forwarded the said communication alongwith the remarks on 22nd January, 2006 to the respondent no. 2 who took the final decision on 13th January, 2006. No doubt, the time between 14th November, 2005 and 7 January, 2006 is more than 3 weeks. However, there is a substantial complianance of the order of the court. The delay has been explained in paragraph no. 7 of the affidavit in reply. The explanation is accepted and the delay in compliance, which is of a few weeks but less than a month, is condoned. It cannot be said that the delay was intentional and the respondent no.3 deliberately breached the order passed by this court. As I am of the view that as there is no deliberate and willful breach of the order of this court, no action in contempt needs to be taken against the respondent. The contempt petition is accordingly dismissed summarily.

(D.G. KARNIK, J.)